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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,447	10/02/2003	Bruce Williams	061270-0878	7057

22428 7590 11/26/2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

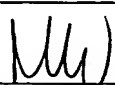
GARRETT, ERIKA P

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/676,447	Applicant(s) WILLIAMS ET AL.	
	Examiner Erika Garrett	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-47 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 42-47 and 59-62 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 42-47 and 59-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Kassai (6,322,143). Kassai discloses the use of a child seat (1) comprising a base configured to include a belt path (15) to receive a lapbelt (5) of an automobile restraint system and having a seating surface (11); an armrest (25) connected to the base on a side of the seating surface; wherein the armrest is adjustable between first and second positions (figs.1-2); and wherein the armrest includes a connecting portion that slidably fits into a corresponding receiving portion of the base. In regards to claim 43, wherein the receiving portion includes a slot (20,figure 2) for receiving a tab (17) located on the connecting portion. In regards to claim 44, wherein the receiving portion includes a second slot (18) and wherein the first and second slots correspond to the first and second positions of the armrest. In regards to claim 45, wherein the tab is attached to a flexible portion of the connecting portion of the armrest thereby allowing the tab to disengage with the slot when the tab is depressed.

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In regards to claim 46, wherein the connecting portion of the armrest includes a pushbutton (16) that engages one of a plurality of holes in the seat base. In regards to claim 47, further comprising a base configured to include a belt path (15) to receive a lapbelt (5) of an automobile restraint system and having a seating surface (11); an armrest (25) connected to the base on a side of the seating surface; wherein the armrest is adjustable between first and second positions, and wherein the armrest includes a connecting portion that slidably fits over a corresponding receiving portion of the base. In regards to claim 59, further comprising wherein the armrest (25) includes holes for receiving protrusions from the receiving portion of the base. In regards to claim 60, a base (24) including a seating surface (11); an armrest connected to the base on a side of the seating surface; wherein the armrest is adjustable in a vertical direction, and wherein the armrest includes a tab (17) that fits into a receiving portion of the base. In regards to claim 61, a base having a seating surface; an armrest connected to the base on a side of the seating surface (11); wherein the armrest is adjustable in a vertical direction, wherein the armrest is movable over a receiving portion of the base; and wherein the receiving portion of the base includes a flexible tab and protrusions. In regards to claim 62, a base having a seating surface; an armrest connected to the base on a side of the seating surface; wherein the armrest is adjustable between first and second position; wherein the armrest includes a connecting portion that fits over a corresponding receiving portion of the base; wherein the receiving portion includes a flexible tab and protrusion on the flexible tab; and wherein the connecting portion

includes first and second slots to receive the protrusion, the first and second slots corresponding to the first and second positions, respectively. See figures 1-5.

Response to Arguments

Applicant's arguments filed 9/25/04 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 42-47 and 59-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG
November 22, 2004


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600